

REMARKS

Priority Claim

In accordance with the “specific reference” requirement of 35 U.S.C. §120, Applicants have updated the status of nonprovisional parent applications by amending the section entitled “Cross Reference to Related Applications.” Applicants have also replaced the blanks in the original specification with corresponding Serial Nos. 07/624,114 and 07/626,730 to update the continuity data.

Rejections Under 35 USC §112, first paragraph: New Matter

The Examiner has rejected claims 102-107 on the basis of introduction of new matter as embodied by the phrase “collecting intensity data from less than ½ of each...” in claim 102. Applicants respectfully disagree and wish to direct the Examiner’s attention to lines 10-14, page 56 of the specification, which shows support for this limitation. In light of this fact, Applicants respectfully request reconsideration and withdrawal of the above rejections.

Rejections Under 35 USC §112, second paragraph: Vagueness & Indefiniteness

In order to address the Examiner’s concerns underlying the rejection of claims 57-155, Applicants have amended independent claims 57, 65, 73, 78, 86, 94, 102,108, 120, 132, and 144 in a manner suggested by the Examiner during an April 11, 2003 interview. The language of these amended claims is supported generally at pages 54-56. These claims have been amended to clearly include a step wherein generation of average intensity is performed and to ultimately achieve a clear delineation of the metes and bounds of the claimed invention. In particular, the computer executable instructions of scanning an area of a substrate attached to polymers and generating an average intensity for a given localized area necessarily make the claims specific to array scanning purposes. Accordingly, Applicants respectfully request that the Examiner enter the clarifying amendment to these claims and that the Examiner reconsider and withdraw the above rejections in light of the amendments.

Rejections Under 35 USC 102(b) & 102(e)

The Examiner has rejected claims 57-155 as being clearly anticipated by either of Tomei *et al.* (USPN 4,758,727) or Williams *et al.* (1985), two references cited by Applicants in Information Disclosure Statements filed April 2003. The Examiner noted in the Office Action that neither reference discloses the generation of an average intensity for a given localized area on an array substrate. Applicants have amended independent claims 57, 65, 73, 78, 86, 94, 102, 108, 120, 132, and 144 to clarify the step for generating an average intensity. In light of this amendment, the claims contain a limitation not disclosed in either Tomei *et al.* or Williams *et al.*, thereby precluding the grounds for a 35 USC §102 rejection based on the art above. Additionally, Applicants assert that the references would not render the present claims obvious under 35 USC §103. Applicants hereby respectfully request that the Examiner withdraw this rejection and allow the claims submitted herein.

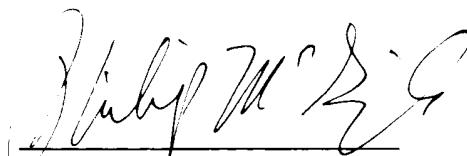
CONCLUSION

Reconsideration and allowance of all pending claims is respectfully requested. If a telephone conversation with Applicants' representative would expedite prosecution of the above-identified application, the Examiner is urged to call the undersigned at (408) 731-5021.

Respectfully submitted,

Dated:

Sept. 21, 2003



Philip L. McGarrigle
Reg. No. 31,395

Customer No. 22886
Affymetrix Inc.
3380 Central Expressway
Santa Clara CA 95051